

# AH ON IS CONVICTED

First of the "Hatter" Cases to be Won by the Territory.

(From Wednesday's Advertiser)

Before Judge D. Bolt in the Circuit Court yesterday, Ah On, a former Chinese police officer, was found guilty of accepting a bribe. This is the first conviction secured in the so-called "Hatter cases," the evidence having been secured by the Pinkerton man who came down to the islands last year and stirred things up in the police department. The jury was out about ten minutes before bringing in a verdict, and Ah On will be sentenced Friday morning.

The crime of which defendant was found guilty was the acceptance of a bribe from one Chong Choy Fat to allow the latter to run a che fa game at Alea. According to the story told by Chong, he was paying Ah On the sum of fifteen dollars per week upon the understanding that the game should not be raided.

## VERDICT SUSTAINED.

In the Supreme Court yesterday a decision, written by Justice W. L. Blythe, was handed down sustaining the exception of plaintiff to the granting of a new trial in the Meleka How On and How On vs. Ah Moe, Ah Ho and Tong Jung, alias Yee Sung, action in ejectment, in which the verdict was for plaintiffs. The syllabus of the decision is as follows:

"In ejectment claiming right to possession of land and damages the following verdict was rendered: 'We the jury in the above entitled cause find for the plaintiff in the sum of one dollar damages.' Held, that the verdict, which was deficient in not expressly finding one of the issues in the case, may be aided by the pleadings, instructions and exhibits, so as to supply by intendment that which was not expressed in it, but which necessarily followed from that which was expressed, viewed in connection with the pleadings, instructions and exhibits, and should be construed in this case to mean a verdict for plaintiff for the land described in the complaint and one dollar damages."

## CHINATOWN FIRE CASE.

One of the Chinatown fires was the subject of a Supreme Court decision written by the Chief Justice and handed down yesterday. The action was to recover \$750 upon a policy of fire insurance issued by the Alliance Assurance Co. of London upon Kwong Lee Yuen & Co.'s building on King, between Maunakea and Kekaulike streets.

Through erroneous rulings by the trial judge a new trial is ordered, the verdict of the jury for plaintiff being set aside.

The syllabus says in part: "The fire should be regarded as caused by the order of the Board of Health, though started in buildings outside of but near the condemned area, it was so started for the purpose of preventing a spread of the fire from such area to other uncondemned buildings and was reasonably necessary or reasonably supposed to be necessary for that purpose, but not if, though done in good

## CONFIDENCE

said Lord Chatham, "is a plant of slow growth." People believe in things that they see, and in a broad sense they are right. What is sometimes called blind faith is not faith at all. There must be reason and fact to form a foundation for trust. In regard to a medicine or remedy, for example, people ask, "Has it cured others? Have cases like mine been relieved by it? Is it in harmony with the truths of modern science, and has it a record above suspicion? If so, it is worthy of confidence; and if I am ever attacked by any of the maladies for which it is commended I shall resort to it in full belief in its power to help me." On these lines

WAMPOL'S PREPARATION has won its high reputation among medical men, and the people of all civilized countries. They trust it for the same reason that they trust in the familiar laws of nature or in the action of common things. This effective remedy is palatable as honey and contains the nutritive and curative properties of Pure Cod Liver Oil, extracted by us from fresh cod livers, combined with the Compound Syrup of Hypophosphites and the Extracts of Malt and Wild Cherry. It quickly eradicates the poisonous, disease-breeding acids and other toxic matters from the system; regulates and promotes the normal action of the organs, gives vigorous appetite and digestion, and is infallible in Prostration—following Fevers, etc., Scrofula, Influenza, Asthma, Wasting Diseases, Throat and Lung Troubles, etc. Dr. W. A. Young, of Canada, says: "Your tasteless preparation of cod liver oil has given me uniformly satisfactory results, my patients having been of all ages." It is a product of the skill and science of to-day and is successful after the old style modes of treatment have been appealed to in vain. Sold by all chemists,

faith, it was so started by mistake or merely to make room for convenience to work in when burning the condemned buildings. A new trial is ordered for erroneous instructions upon these points."

## TESTA PLEADS GUILTY.

Yesterday F. J. Testa pleaded guilty of criminal libel upon Walter G. Smith and received a nominal fine. The previous evening he had sent a personal letter of retraction and apology to Mr. Smith and also published it, whereupon the prosecuting witness agreed to the imposition of a light fine. Mr. Testa averred that he had charged Mr. Smith with offences committed by another man.

## COURT NOTES.

The Hawaiian Gazette Company has filed a demurrer to the libel suit of A. V. Gear claiming, among other grounds, that the complaint does not state sufficient facts to constitute a ground of action, and that the language of the alleged libel is not actionable per se. The libellant asks that the complaint be dismissed, with costs.

Mary Sanderson, a sixteen-year old girl who is an inmate of the Maternity Home, is a divorced woman, along with other things, a decree of divorce having been granted yesterday to her husband, Thomas Sanderson. She was in court yesterday in short skirts, and with her hair down her back, and admitted that she had not been good, but claimed that she had been married to Sanderson against her will.

The Federal grand jury was in session nearly all day yesterday, it was said upon the Chinese peonage cases. But of course nothing really leaked out as to what the body was about.

The Supreme Court yesterday heard argument in the case of W. W. Blythe vs. C. J. Hutchins, trustee.

Judge D. Bolt yesterday afternoon began the trial of M. P. Lagan, the former employee of the Oahu Railway and Land Company, charged with embezzlement.

Another demurrer has been filed by C. W. Ashford in the case of the United States against Aloia and Isaac Kahua, a suit to collect from bondsmen for alleged post office defalcations on Kauai.

# RECEPTION FOR ELK

Entertainment Planned For the Grand Ruler.

A meeting of Elks has been held to arrange for the reception and entertainment of Grand Exalted Ruler O'Brien, who is expected to arrive here next Monday morning on the Manchuria. Mr. O'Brien will make but a two days' stay, leaving again for San Francisco on Wednesday morning, April 26, by the Alameda.

It is proposed to give him a royal welcome on arrival in port, and, being accompanied by Mrs. O'Brien, he will be the dinner guest of Dr. C. B. Cooper, Past Exalted Ruler of the local lodge, and Mrs. Cooper. On Tuesday evening it is planned to give a reception for the distinguished visitor at the Moana Hotel.

# PLAQUE OF THE NIGHT.

Keeps Thousands of People in Honolulu Awake.

Keeps you awake; can't sleep a wink. Breeds misery by day, profanity by night.

Know what it is? Itching Piles. Itch, Itch, Itch. Nearly drives you crazy.

Itching away in any position, any time.

Doan's Ointment cures Piles, Eczema and all itching skin diseases.

Read what a local citizen says: William Preston has been a resident of Victoria, Australia, for over half a century and is at present residing at No. 68 Argyle St., St. Kilda.

He says: "For some considerable time I have been troubled with Eczema on my legs. The irritation at times was very great especially at night, and it caused me considerable annoyance. I obtained a pot of Doan's Ointment and I must say that it allayed the irritation almost immediately. Doan's Ointment is a good remedy and I can highly recommend it for Eczema."

Doan's Ointment is sold by all chemists and storekeepers at 50 cents per box (six boxes \$2.50) or will be mailed on receipt of price by the Hollister Drug Co., Agents for the Hawaiian Islands.

W. L. Castle, who returned from Hawaii in the steamer Mauna Loa, reports statements by G. W. McDougall to the effect that the mortality in Kona for two months past has been fearfully high. There have been from one to two deaths a week. Typhoid is the malady and bad water its cause, according to general belief. Wireless messages received by Governor Carter in the past two days indicate no increase in the epidemic.

## WHAT CHAMBERLAIN'S PAIN BALM WILL DO.

For the alleviation of pain Chamberlain's Pain Balm has no equal. Soreness of the muscles, swellings and lameness are quickly relieved by applying it. One application will promptly quiet a pain in the side or chest and nothing will compare with it as an external application for rheumatism. For the treatment of cuts and bruises there is nothing better. For sale by all Dealers & Druggists. Benson, Smith & Co., Ltd., Agents for Hawaii.

# IT WAS RAILROAD DAY WITH THE SENATORS

Hawaii Railroad Bill Knocked Out--Lucas Belt Line Franchise Passed--Rapid Transit Speed Bill Lost.

(From Thursday's Advertiser.)

There was railroad racking in the Senate most of yesterday, both figuratively in the railroading of business and literally in the making and breaking of railroad enterprises. The Lucas Belt Line for Oahu was knocked down only to be immediately picked up again. It stands now for third reading today. After being mangled almost beyond its father's recognition, the bill to encourage railroad building on the island of Hawaii was put out of misery. When the Maui electric railway franchise was about to be abandoned by its progenitor, in view of upraised clubs to dash out its brains, the Oahu man with a railroad baby of his own in the incubator sprang to the rescue and saved the infant. Maui and Oahu having got their prospective railroads advanced, it was easy for Kauai when its turn came. There was blood on the moon, however, when favors were asked for the Rapid Transit Co. Its bill was obliterated by the biggest majority of the day on any question that raised a fight. More than one administration measure was chloroformed by the Senate yesterday. Kalama led the upper body throughout the day, after the passing upon a few Senate bills on third reading. He called up bill after bill from the table, shutting off consideration of a score of measures on the set order of the day.

Considerable work of the legitimate sort was done by the House, also a great deal of talk of a kind that does the Territory no good. Both houses sustained the Governor's veto of the bill raising the pay of jurors. The veto of the liquor bill is still pending in both houses.

## THE SENATE.

President Isenberg, after opening routine, made a statement regarding the Governor's message announcing the appointment of Drs. Herbert, Sinclair and Judd as members of the Board of Examiners. After the Senate adjourned on Tuesday the clerk had shown him that the message was improperly addressed to the "Legislature." It should have been to the Senate. He asked Senator Achi to move a reconsideration of the vote confirming the nominations, as an amended message had been received.

Reconsideration carried and the nominations were again confirmed. Also it was voted to return the inaccurate message to the Governor's office.

## LIQUOR BILL VETO.

The Governor's veto of the liquor bill came up in order. Hewitt moved to defer action until the House acted.

Paris did not see why the Senate should not stand on its own feet, and the House likewise, when either received a veto message.

Woods agreed with the idea of standing on their own feet, but this was a matter of courtesy to the House, whose bill was in question.

Lane said the House was already working on a new liquor bill and would most likely sustain the veto.

On a show of hands the motion was lost, but on a rising vote the message was deferred by 8 to 5.

## JURY BILL VETO SUSTAINED.

A message from the Governor received the previous day, declining to approve House Bill 103, increasing the pay of jurors, was taken up.

Paris thought the veto should be sustained, much as he would like to see the pay of jurors raised.

Achi argued that the bill would not make a serious increase in expenditures. The license bill alone would impose on the people \$200,000 more taxes.

The motion to pass the bill notwithstanding the veto, was lost on the following vote, lacking two-thirds:

Ayes—Achi, Brown, Gandall, Hewitt, Kalama, Woods—6.

Noes—Bishop, Dickey, Dowsett, Hayseiden, Isenberg, Lane, McCandless, Paris, Wilcox—9.

## FROM THE HOUSE.

Communications from the House were received announcing:

Veto of Governor on House Bill 103 sustained.

Bill providing for a high school at Hilo passed notwithstanding veto of Governor.

House Bill 205, authorizing railway companies to operate their lines by power other than steam, passed third reading.

House Bill 216, relating to acknowledgments and proofs of instruments, passed third reading.

House Bill 201, making appropriations for departmental uses of the Territory, passed third reading.

House Bill 212, to amend Section 643, Revised Laws, relating to driving across bridges, passed third reading.

House Bill 217, to establish a hospital for the district of North Kohala, passed third reading.

Joint resolution for a medical examination of people detained at Kailahi Receiving Station, passed third reading.

All of these measures were passed on first reading, to be read a second time tomorrow.

## REPORTS OF COMMITTEES.

Dickey, from the Judiciary Committee, reported favorably on House Bill 96, relating to attachments, recommending certain amendments. Laid on the table to be considered with the bill.

Dickey presented a report of the Judiciary Committee on Senate Bill 137, to amend Chapter 40 of the Revised Laws of Hawaii relating to eminent domain. The committee recommended that the bill be laid on the table, saying: "The idea of the bill is a good one, and the bill is an important one, but it is introduced too late in the session, for the Legislature would not have the time to act properly on the bill." Laid on the table to be considered with the bill.

Bishop, from the special committee on loan appropriations, presented a report of four petitions and seven Senate resolutions, saying:

"The committee have duly considered the foregoing, all of which bear on the question of distribution or apportionment of loan fund, and so far as practicable have inserted items in its report, now in course of compilation, but not yet ready for transmittal to the Senate."

"The committee beg leave to return Senate Bill 24 herewith, believing that it will be impossible to make a final report and recommendations before the close of the present session."

The report was received and the bill placed on the order of the day.

## AALA PARK REPORT.

McCandless, from the Public Lands Committee, reported on Senate resolution 3, as follows:

"The resolution relates to the acquiring by the Government of additional land adjoining Aala Park for enlarging the same. Your committee find that it would cost about \$60,000 to acquire the land desired, and while we feel the enlargement of this park would materially benefit that section of Honolulu, your committee believe it unwise to recommend the expenditure of any such sum for such purpose at this time, and would recommend that the resolution be laid on the table."

Achi set up a roar about the holding back of the matter by the committee and moved to return the report to the chairman. Under the rule the committee should have reported within five days.

Dickey said the five days referred only to special committees.

McCandless warmly resented the reflections on the committee, relating a statement of the work done by it.

Vice President Paris, the President having retired, ruled that the five days referred to special committees. The report was adopted.

McCandless, from the Public Lands Committee, returned a bunch of petitions and resolutions together with a bill, saying there was no time for their consideration this session. The report was received, to be considered with the bill.

Dowsett, from the Ways and Means Committee, returned a bunch of bills and resolutions to be considered in open session if the opportunity came. Received.

## ORDER OF THE DAY.

Senate Bill 127, relating to corporations, passed third reading, Achi alone voting no.

Senate Bill 128, relating to school inspectors, passed third reading unanimously.

Senate Bill 140, relating to estrays, on third reading, was referred to the Judiciary Committee, to report at 2 p. m. Hewitt had started a discussion on the matter of fences and Achi contended that the bill would enable ranchmen to pasture their cattle free on public land. The bill authorized the government to take up and impound cattle found on the highways in Honolulu, Hilo and Wailuku where there are no legal fences. Paris argued that there was a law now enabling the government to deal with estrays on public lands other than highways.

Senate Bill 141, amending the law of the present session relating to terms of circuit courts, passed third reading. It strikes out the provision for a term of the Third Circuit Court in North Kohala, which made it begin the same day as a term in Kau.

Senate Bill 142, providing that when a Circuit Judge is incapacitated by illness or otherwise from acting as a substitute justice of the Supreme Court the next judge in rotation may be called, passed third reading.

## RAILWAY EXEMPTION BILL.

Kalama broke into the regular order where a lot of House bills were down for third reading, to move suspension of the rules for taking up the second reading of Senate Bill 133. It was so voted. The bill exempts property of railroads that may hereafter be constructed in Hilo, Hamakua and Kohala districts from taxation.

Amendments came thick and fast, the movers after the first not waiting

for decision on those coming ahead. Dickey moved a requirement of having one hundred miles of railway constructed.

Bishop, to exempt street railroads using the public highways.

Achi, to strike out the districts named and insert "any part of the Territory of Hawaii." To Bishop's objection that this would include railroads making money today the mover said, "No, no; the bill is for railroads to be constructed."

Dickey explained that the bill was to enable companies—there were two—now holding franchises to build railroads on the island of Hawaii to float their bonds.

Bishop, as introducer of the bill, followed remarks by McCandless and Woods, with the statement that there was no special design intended in favor of any individual or corporation. He had introduced the bill owing to his belief in the desirability of having railroads through the districts therein named.

Dowsett favored the object of the bill, but thought it too sweeping.

Dickey changed his amendment from one hundred miles to fifty miles. Achi moved to make it ten and McCandless, when the vice president had risen to take the vote, moved twenty miles.

Fifty miles was adopted on a close vote, and the vote on Bishop's amendment was interrupted by a motion for recess.

## RECESS FROM 12 TO 2 P. M.

## AFTERNOON SESSION.

Dickey, at 2 o'clock, presented a report of the Judiciary Committee on the bill relating to estrays, recommending an amendment. Laid on the table to be considered with the bill.

## THE RAILWAY BILL.

Bishop's amendment was passed in a form to exempt railroads using the public roadbeds and crossings of the same.

Dickey moved reconsideration of the 50-mile provision. He thought if 20 miles were put into operation it would be a great benefit to a portion of the country.

Woods did not think the reduction would do justice to the other districts. A company might run out to Kukuhae, taking in a lot of rich plantations, and then rest content.

The motion was lost.

Dickey moved to reduce the term of exemption from 20 years to 15 years. Carried.

Achi's amendment to make the bill apply to the whole Territory was about to be put, when Woods moved to make it apply to Hilo, Hamakua, North Kohala and South Kohala.

McCandless moved to add the island of Oahu, saying he was informed railroads were contemplated on Maui and Kauai, and he was certain a railroad was contemplated on Oahu. (Laughter.)

Dowsett asked if they were going to make a broad bill exempting from taxation every railroad to be built for 20 years, where was the Territory to get off? The proposition was outrageous, absurd. There was a bill on the table regarding public franchises which would conflict with this bill. The country could not afford to make a gift of that sort to railroads.

"Mr. Dowsett's argument sounds all right," Bishop remarked, "but if you do not give some encouragement you will not have any railroad and the Territory will therefore get nothing. I think the bill is pretty nearly killed now with its limitations."

Woods's amendment was lost. Dowsett moved to defer the bill. Bishop asked what was the use of dawdling over the bill. "Kill the bill if you want to," he challenged.

"Very well," Dowsett responded, "I move the bill be laid on the table." Carried.

## CONTROL OF ROADS.

Kalama again brought up a bill out of its order, being Senate Bill 143, for second reading. It would transfer the possession, use and control of public works, roads, bridges, etc., from the Territory to the counties, and go into effect upon the approval of the United States Congress.

Dickey moved the bill pass, saying the answer of the Attorney General as to its legality could be considered on third reading.

Achi argued that the bill was contrary to the provisions of the annexation resolution and the Organic Act.

"I doubt the bill myself," Dickey observed.

The motion to pass the bill was lost, and on motion of Achi the bill was indefinitely postponed.

## PUBLIC FRANCHISE BILL.

Kalama again led the Senate in pulling a string that brought a bill up from somewhere near the bottom of the pile. This was Senate Bill 82, relating to public franchises.

Bishop attacked it forthwith. It was too late to give the bill proper consideration.

McCandless questioned if it would not interfere with the vested rights of existing corporations. He doubted the propriety of passing the bill.

Paris (Bishop in the chair) said he was in favor of getting all the taxes possible, but opposed to passing a bill of this kind on the jump without knowing just what all of its provisions meant. Some corporations affected by the bill were barely getting along now. Unless the bill could go to a committee for a report he would not favor its passage. He doubted very much if the bill could get through the lower House in the time left.

Dowsett spoke in defense of the bill, saying it was following the example of many states. It certainly would bring in revenue from one or two large concerns which were making money today. Only telephone and other companies using the public roads and streets were affected. The telephone companies on Hawaii and Maui were paying well.

Achi attacked the bill hammer and tongs. Plantation companies crossing the roads with their railways, by permission of the Superintendent of Public Works, would be compelled to pay 2 1/2 per cent additional taxes. There was no report from the Public Lands Committee on the bill, though it had been in its hands one month and five days.

Dickey thought if the bill was amended by a committee it might be passed, but it had never been considered. Telephone companies on Hawaii were barely making a living. While the Maui telephone company was doing fairly well, 2 1/2 per cent of its

# THE KAUAI ELECTRIC

Contractor Jaeger Is Now Building Ditch.

The Kauai Electric Company is going ahead with its preparations to furnish electric power to portions of the island of Kauai. Contractor Jaeger is now engaged in the construction of the ditch and tunnel which will form the way for the water which will turn the water wheel to generate electric power.

The Hawaiian Electric Company has the contract to furnish and install the electrical machinery. This will be in place in five or six months, and in less than a year the company will be in a position to furnish power.

gross receipts would be about \$800. There would be nothing left for dividends.

By the casting vote of the chair the bill was indefinitely postponed.

## HOMESTEAD ROADS.

Once more Kalama led, bringing up Senate Bill 144. It provides that 50 per cent of the proceeds of government lands may be set apart by the Commissioner of Public Lands, with the approval of the Governor, for the building of roads to homestead tracts.

Bishop questioned if the thing could be done. He understood the government was bound to apply the proceeds of public land sales to the payment of interest on bonds.

Dickey once thought so too, but on investigation he had discovered that there was no such provision in the Organic Act. It was in the Territorial law, therefore was subject to amendment. The speaker casually mentioned that it was an administrative bill.

Lane thought it was too late in the session to consider the bill, the same as had been decided regarding the public franchises measure.

The bill passed.

## BLANKET MOTION.

Kalama, flushed with the success of his last previous leading, now moved that the Senate take up all bills reported by committees. Carried.

Senate Bill 24, making special appropriations for the government for two years ending June 30, 1907, came up first in the shuffle. Dickey moved to defer it, mentioning two weeks when asked to be specific. McCandless moved to defer to April 27, which carried.

The Lucas Belt Line Railway franchise bill was next called.

Bishop moved that a committee of one be appointed to preach a funeral oration over the bill. Ruled out of order. Woods moved to defer the bill to the 27th.

McCandless moved to pass the bill on second reading by title. Lost.

Dickey moved to lay the bill on the table. This was declared carried on a show of hands, but McCandless disputed the vote and demanded the ayes and noes. This was granted, resulting as follows:

Ayes—Bishop, Dickey, Gandall, Kalama, Paris, Wilcox, Woods—7.

Noes—Achi, Brown, Dowsett, Hayseiden, Hewitt, Lane, McCandless—7.

Dowsett had asked to be excused as being interested from being a director of the O. R. & L. Co., but McCandless prevented the necessary unanimous consent.

The chair ruled that on the tie vote the motion was lost. McCandless then moved to defer the bill to Thursday, and Kalama to the 27th. Achi moved to pass the bill. On a tie vote the chair ruled to defer the bill to Thursday.

But the bill would not down so long, as will be seen below.

## MAUI ELECTRIC RAILWAY.

Senate Bill 97, being a franchise to R. A. Wadsworth and associates to construct an electric railway on the island of Maui, came up on motion for second reading.

It was received with remarks indicative of a killing and, on a motion to postpone indefinitely, Hayseiden was about withdrawing it when McCandless sprang into the lists with a plea for railroads in general.

McCandless could not understand the course of the Senate on railroads. In the districts where the O. R. & L. Co.'s line runs \$12,000 a year was received in taxes before the railroad was built, whereas \$170,000 in taxes was collected there now. The proposed railroad on Oahu before the Senate that afternoon would mean an increase of 40,000 to 60,000 tons of sugar a year. It would be easy to make a 20,000-ton plantation at Wailale with a railroad. If Kona had a railroad there would be a great difference in that section. Instead of yielding \$30,000 a year in taxes the Kona would be paying \$200,000 a year. This country paid the O. R. & L. Co. a subsidy of \$200,000 and was now getting that much money back every year from enterprises the railway made possible.

Bishop said that when it was proposed to give rights to a corporation the subject should be carefully investigated. There was no committee report on that bill. The interests of the government and the public should be safeguarded.

The motion to indefinitely postpone was lost and the bill passed second reading by title, to be read a third time today.

## LUCAS RAILROAD BILL.

Achi, encouraged by the success of the Maui franchise, moved to reconsider the Lucas Belt Line franchise. Carried.</